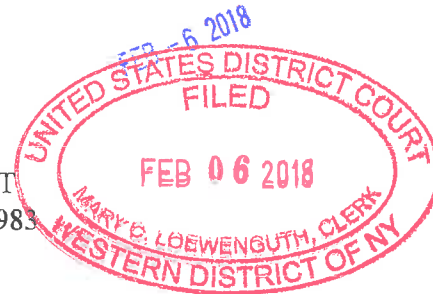


Revised 03/06 WDNV

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION**18 CV 6119 EAW**

A. **Full Name And Prisoner Number of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. Mr. Tynell L. Tisdale, Din: 17-B-2952

2. \_\_\_\_\_

-VS-

B. **Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. Mr. Ryan Hartley, Police Officer

4. Rochester Police Department

2. Mr. Robert Osiporitch, Police Officer

5. Rochester Police Department

3. \_\_\_\_\_

6. \_\_\_\_\_

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

**PLAINTIFF'S INFORMATION** NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: Mr. Tynell L. Tisdale

Present Place of Confinement & Address: Cayuga Correctional Facility

Post Office Box 1186, Moravia, New York, 13118

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION NOTE:** *To provide information about more defendants than there is room for here, use this format on another sheet of paper.*

Name of Defendant: Mr. Ryan Hartley

(If applicable) Official Position of Defendant: Police Officer

(If applicable) Defendant is Sued in XX Individual and/or \_\_\_\_\_ Official Capacity

Address of Defendant: Rochester Police Department, 185 Exchange Boulevard,  
Rochester, New York, 14614

Name of Defendant: Mr. Robert Osiporitch

(If applicable) Official Position of Defendant: Police Officer

(If applicable) Defendant is Sued in XX Individual and/or \_\_\_\_\_ Official Capacity

Address of Defendant: Rochester Police Department, 185 Exchange Boulevard,  
Rochester, New York, 14614

Name of Defendant: \_\_\_\_\_

(If applicable) Official Position of Defendant: \_\_\_\_\_

(If applicable) Defendant is Sued in \_\_\_\_\_ Individual and/or \_\_\_\_\_ Official Capacity

Address of Defendant: \_\_\_\_\_

#### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes \_\_\_\_\_ No XX

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

\_\_\_\_\_ Dismissed (check the box which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to exhaust administrative remedies;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

**B. Have you begun any other lawsuits in federal court which relate to your imprisonment?**

Yes \_\_\_\_\_ No XX

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

\_\_\_\_\_

Defendant(s): \_\_\_\_\_

\_\_\_\_\_

2. District Court: \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of District or Magistrate Judge to whom case was assigned: \_\_\_\_\_

\_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |                       |                         |                               |
|-----------------------|-------------------------|-------------------------------|
| • Religion            | • Access to the Courts  | X. • Search & Seizure         |
| • Free Speech         | X. • False Arrest       | • Malicious Prosecution       |
| X. • Due Process      | X. • Excessive Force    | • Denial of Medical Treatment |
| X. • Equal Protection | X. • Failure to Protect | • Right to Counsel            |

**Please note that** it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

**A. FIRST CLAIM:** On(date of the Incident) February 26th, 2011 at 19th Street of Rochester, New York.

First Defendant, Mr. Ryan Hartley, Police Officer  
Second Defendant, Mr. Robert Osiporitch, Police Officer

Violated my Due Process Rights, from an Unlawful Search and Seizure, False Arrest, Use of Force. From an Initial Traffic Stop, that never occurred because the vehicle in question was Parked at the time of Approach by the Two police Officer's, and I was the Passenger in the Car, not the Driver. Officers, Mr. Hartley and Osiporitch claimed that there was Alcohol in the Car. When Officer Hartley, approached the car he never observed me in Possession of the alleged Alcohol. He had no Actual Probable Cause to Stop the Vehicle, Search me and further charge me with consumption or possession of Alcohol in a Motor Vehicle, or had the Right to tell me to Exit the Vehicle with False Probable Cause, in which Brought the very cause for my Rights to be Violated.

**The Constitutional basis for this claim under §42 U.S.C. § 1983 is:** Violation's of my Due Process Rights, False Arrest, Use Of Force, Illegal Search and Seizure.

**The Relief I am seeking for this claim is:** For the Conviction that was caused by this Unlawful Acts, be Compensated as Compensatory Damages, for the Years that were taken from me of Actual Damages of my Constitutional Rights being Violated, and further Mental Stress, Pain and Suffering, thereto.

**"THERE WAS NO GRIEVANCE FILED IN THIS MATTER"**

-----

**A. SECOND CLAIM:** On(date of the Incident) February 26th, 2011 at 19th Street of Rochester, New York.

First Defendant, Mr. Ryan Hartley, Police Officer.  
Second Defendant, Mr. Robert Osiporitch, Police Officer.

Police Officer's, Ryan Hartley, and Robert Osiporitch, did infact Violated my Due Process Rights, by bringing fourth an Illegal Search and further forcing me to a full Stripped Search without any and/or Proper Warrant causing the very Violation of my Fourth (4) Amendment Right, which Forbids any Intrusions, beyond the Body Surface.

**The Constitutional basis for this claim is under §42 U.S.C. §1983 is:** Violation's of my Constitutional Due process Rights being Violated Under The U.S.C.A. Const. Amendment Fourth (4).

**The Relief I am seeking for this claim is:** That this Conviction that was caused by this Unlawful Acts, be Compensated as Compensatory Damages, for the Years that were taken from me of Actual Damages of my Constitutional Rights being far Violated and further Mental Stress, Pain and Suffering, thereto.

**PLEASE TAKE NOTICE,** there are no apparent Grievances filed in this matter as it is not a grievable issue, and further an issue and matter of outside the Department Of Corrections, and therefore a matter of an Unlawful Arrest in that Plaintiff was and did get Exonerated of all Charges and Crime's falsely accused for, as you will find attached the necessary documents to show cause as to this Claim's herein, as follows. (Exhibit's "A and B")

# EXHIBIT A

---

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Robert H. Jackson U.S. Courthouse  
2 Niagara Square  
Buffalo, New York 14202  
(716) 551-1700



2120 U.S. Courthouse  
100 State Street  
Rochester, New York 14614  
(585) 613-4000

**MARY C. LOEWENGUTH**  
CLERK OF COURT

[www.nywd.uscourts.gov](http://www.nywd.uscourts.gov)

CHARLES S. CARRA, ESQ.  
BETSY STERLING, ESQ.  
H. LISA REAGAN, ESQ.  
Pro Se Staff Attorneys

CARLA N. PEREZ  
Pro Se Paralegal

January 31, 2017

Tynell L. Tisdale, 242193  
Monroe County Jail  
130 S. Plymouth Ave.  
Rochester, New York 14614

Re: Letter dated January 22, 2017 and received January 30, 2017: Tisdale v. Police  
Officer Ryan Hartley, 13-CV-0022Sr

Dear Mr. Tisdale:

Your letter dated January 22, 2017 and received by this Court on January 30, 2017 has been referred to this office for response.

Your letter notes that you filed a case in this court back in 2012 or 2013 and encloses a copy of a docket sheet in the case of *Tisdale v. Hartley*, 13-CV-0022Sr. You claim that the Order entered in your case indicated that you could not file the lawsuit at that time because you were still waiting on an appeal from your conviction and that now because you "won [your] appeal off parole and the felony is gone ... you now [are] ready to res[submit your] law[suit]."

Please be advised, however, that your complaint was dismissed and that if you want to re-file it based on the basis set forth in your letter, you will need to file another lawsuit in this court, including a complaint and motion to proceed *in forma pauperis*. The Court cannot simply re-open your case that had been dismissed previously. A U.S. district court judge only has the jurisdiction over an issue which is granted to the Court by Title 28 of the United States Code, and unless there is an active case in the court, the judge

# EXHIBIT B



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Robert H. Jackson U.S. Courthouse  
2 Niagara Square  
Buffalo, New York 14202  
(716) 551-1700



2120 U.S. Courthouse  
100 State Street  
Rochester, New York 14614  
(585) 613-4000

MARY C. LOEWENGUTH  
CLERK OF COURT

[www.nywd.uscourts.gov](http://www.nywd.uscourts.gov)

CHARLES S. CARRA, ESQ.  
JAMES G. ECKERT, ESQ.  
JANELLE OLSEN, ESQ.  
ERIN TUBBS, ESQ.  
Pro Se Staff Attorneys

SEAN C. ELDRIDGE, Esq.  
SPECIAL COUNSEL TO THE CHIEF JUDGE

CARLA N. PEREZ  
Pro Se Paralegal

September 25, 2017

Tynell L. Tisdale, 242193  
Monroe County Jail  
120 Plymouth Avenue  
Rochester, New York 14614


Re: Tisdale v. Hartley, et al., 13-CV-0022Sr

Dear Mr. Tisdale:

Your letter to the Court dated September 17, 2017, has been referred to this Office for a response. You ask if you have any pending cases and if not how the Court can re-open the above-referenced case for you. As you were advised back on January 31, 2017, you have no active case pending in this Court and the above-referenced case was dismissed on July 9, 2013 (Docket Nos. 7, Order, and 8, Judgment.) You were also advised that the Court could not re-open the case for you sua sponte (on its own) and that if you believed that you have grounds for a federal lawsuit and therefore wished to initiate a case in the court *pro se* (which is the Latin term used in federal courts to describe cases brought by litigants who are not represented by attorneys), you must file a complaint and motion to proceed *in forma pauperis*.

I enclose a copy of the letter, dated January 31, 2017, and a the materials for filing a new case in this court if you believe you have good faith grounds to do that. See Fed. R. Civ. P. 11; 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.

Very truly yours,

  
Charles S. Carra  
Pro Se Staff Attorney

Enc.

(Exhibit "B")

"STATEMENT OF FACTS"

PLEASE TAKE NOTICE, that on February 26th, 2011 I was sitting in a parked car with a friend. I was the passenger. Police approached the car talking about the vehicle was more then a foot from the curb. They then ask the Driver Mr. Robert McFadden, if he had a license, he did and he gave it to the Police Officer. Once he did that they told him to get out of the Vehicle, as he was doing that the other Officer Ryan Hartley, came to the passenger door and told me to get out, so I did as I was told to, and got out of the vehicle in which soon as I stepped out of the vehicle he place me in handcuffs. Then without a cause or any reason's he untied the string from my sweatpants and further pulled them down to my knees in the middle of the City Streets and further took a Flash light and started by looking under my Genitals with the flash light. Once he didn't see anything he threw me on the back of his Police car with my hands still cuffed and proceeded to to do the same thing to my back side looking directly at my Anal Cavity with his flash light. Then with his hands and flash light he went further into my Anal Cavity in which at that time he pulled out a plastic bag containing 8-balls of crack. He this with no Probable Cause or any Warrant for a Body Search. I spent (13) Months in the County Jail fighting the case at hand and charges, and ended up getting Six (6) years Flat, in which I then when Upstate and did a total of (4) more years of which I came home on March 17th, 2016 and by June 17th, 2016 I had won my Appeal and was taken off Parole and the Felony vacated. I did pleaded out to the (6) years because I was really under pressure and being mislead by my Attorney, and further felt I should had won my Suppression Hearings because the very same statements hereto as said was said in an open Court while the Suppression Hearing was being done in which Officer, Mr. Ryan Hartley did Testified to the actual Claims said in this Claim herein. Where in every detailed testimony by Officer Ryan Hartley, should have been considered a dismissal of all charges, but this was not the case at hand so before I get railroaded I went on and Pledaded instead of going to trial so I ttok the plea and kept my rights to Appeal further. So once I got Sentenced on March 15th, 2012 I started my Appeal Process.

FURTHERMORE, On December of 2011 my suppression hearing was held on Officer Ryan Hartley, in which he took the stand and never denied that he untied my Strings from my swaetpants, and pulling them down to my knees, in open view of the City Streets. Further he never denied that he further search my personal parts of my body, as to my Genitals and further using a flash light to further search my Anal cavity to further pull something out of my Anal area. However the Appellate Court seen this matter differently and granted me suppression of the drugs and how this was conducted, on June 17th, 2016 I was responded back with the answer of the December 9th, 2011 Suppression hearing on January 31st, 2011 and they began a trail on February 6th, 2012.

""ARGUMENT""

Petitioner, brings this Civil Rights Complaint Suit Under 42 U.S.C. §1983 and 28 U.S.C. §1331 to obtain Relief from an Unlawful Act, and Violations of the Federal Law, for Violations of Several U.S. Constitution and Civil Rights. Using the Civil Rights Act of 1871 ("Section 1983") As to my Forth (4th) Amendment, A Search and Seizure and Body Searches-"your right to be free from any Illegal Body Searches" The Forteenth (14th) Amendment "Discrimination on the basis of race, ethnicity, and color, etc.," An Equal Protection Clause."

Upon Review, of the Pertinent documents of from the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, you will find that a full Reversal was done in the Petitioners favor. (Exhibit "C")

Further, it is the Contention of the Highest Court of Judicial Review who saw each and every element of the said crime and charges to further being dismissed entirely to the satisfaction and favor of the petitioner herein.

Furthermore, in everyway it is to be noted that the petitioner contain his every honor and continue to relate the very truthful statements thereto as said fourth in every statements made to and from the lower Courts to the higher level in order to see the very Violations of the Petitioners Civil and the very error in Violations of the Constitutional Rights thereafter.

TAKE FURTHER NOTICE, THAT THE FOLLOWING VIOLATIONS DID ,AND CONTINUE TO FALL UNDER, Article I (Bill Of Rights)

11. Equal Protection of Laws; Discrimination in Civil Rights Prohibited.

12. Security against Unreasonable Searches, Seizures and Interceptions.

See; Brown V. State, 89 N.Y.2d 172, 674 N.E.2d 1129, 652 N.Y.S.2d 223 (1996), Furthermore in, Brown V. State, 89 N.Y.2d 172-188, 674 N.E.2d 1129-1139, 652 N.Y.S.2d 223-233 (1996)....[W]e concluded that a Cause of Action to recover damages may be asserted against the State for Violations of the Equal Protection and Search and Seizure Clauses of the State's Constitution.

Also See; N.Y. Const. Art. I § II (Equal Protection Clause); N.Y. Const. Art. 1 § 12 (Search and Seizure Clause); Where Bin Wahad V. FBI, 994 F. Supp. 237-239 (S.D.N.Y.1998), (Stated that Brown recognized a "Narrow Remedy" against the State of New York for Violations of equal protection and search and seizure that guarantees of the New York State Constitution).

### ""PROCEDURAL DUE PROCESS""

PETITIONER, has a right to procedural Due Process under the **Fifth and Fourteenth Amendments**. This means that the Government cannot deprive you of **Life, Liberty, or Property** without going through certain procedures of (Due Process). In that petitioner's Due Process Rights were Violated Thus, **Firstly**, that the petitioner was held and/or Falsely Arrested which deprived him of Liberty. And **Secondly**, that the incident of which occurred did infact deprived petitioner without enough procedural protection. Thus, Procedural Protection refers to the requirement that deprivations of the Due Process are at least subject to certain Procedural Safeguards. These Safeguards include the right to counsel, and an opportunity to speak in one's own defense; All of which serve to protect the Quote-Prisoner, of the Use of Force. See, e.g., Sandin V. Connor, 515 U.S. 472, 487, 115 S. Ct. 2293-2302, 132 L. Ed. 2d 418-432 (1995).

Further, Substantive Due Process an Aspect of the Due Process Clause, says that the Government may not interfere with your fundamental individual rights in anyway that is not "Reasonably" related to legitimate penological interests. In Turner V. Safley, 482 U.S. 78-87, 89 S. Ct. 2254-2261, 96 L. Ed. 2d 64, 77-79 (1987), Finding that Procedural Regulations taken affect to the Constitutional Rights.

---

# EXHIBIT C

---

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**532**

**KA 12-00819**

PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND SCUDDER, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TYNELL L. TISDALE, DEFENDANT-APPELLANT.

---

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER, SULLIVAN & CROMWELL LLP, NEW YORK CITY (CHRISTOPHER G. HORNIG OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (ROBERT J. SHOEMAKER OF COUNSEL), FOR RESPONDENT.

---

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered March 15, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree, criminal possession of a controlled substance in the fourth degree, unlawful possession of marihuana and consumption or possession of alcoholic beverages in certain motor vehicles.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law, the plea is vacated, that part of the motion seeking to suppress physical evidence relating to the first and second counts of the indictment is granted, the first and second counts of the indictment are dismissed and the matter is remitted to Supreme Court, Monroe County, for further proceedings in accordance with the following memorandum: Defendant appeals from a judgment of Supreme Court (Winslow, J.) convicting him, upon his plea of guilty, of criminal possession of a controlled substance in the third degree (Penal Law § 220.16 [1]), criminal possession of a controlled substance in the fourth degree (§ 220.09 [1]), unlawful possession of marihuana (§ 221.05), and consumption or possession of alcoholic beverages in certain motor vehicles (Vehicle and Traffic Law § 1227 [1]). We agree with defendant that County Court (Geraci, J.) erred in refusing to suppress the cocaine recovered during an unlawful search of his person by the police.

According to the evidence presented at the suppression hearing, the police approached a vehicle parked more than 12 inches from the curb on a city street, which constitutes a traffic infraction. Upon observing two open bottles of beer in the center console, an officer directed defendant, who was in the front passenger seat, to exit the vehicle. Defendant complied, identifying himself and providing the officer with his name, address, and social security number. Noting



that defendant's left hand was clenched, the officer asked defendant to open that hand and, when defendant did so, the officer observed a dollar bill containing marihuana residue. The officer handcuffed defendant and asked him if there was anything on his person that could harm the officer. Defendant responded in the negative. When asked if he had any illicit substances on him, defendant directed the officer to the front pocket of his sweatpants, from which the officer pulled a small bag of marihuana. Defendant denied having any other contraband.

Without conducting any further pat down of defendant or gathering any other information, the officer untied the string holding up defendant's sweatpants, pulled the front of the sweatpants and defendant's underwear away from defendant's body, and looked down the front of defendant's body, past his genitals to his thighs. Observing no contraband, the officer directed defendant to lean over the rear of the vehicle, whereupon he pulled back defendant's sweatpants and underwear at the rear of defendant's body and observed a bag in the area "underneath" his buttocks. The officer retrieved the bag, which was later determined to contain crack cocaine. Another small bag containing crack cocaine was found by the officer in the same general area.

As the People correctly concede, the search performed by the officer constituted a strip search (see *People v Smith*, 134 AD3d 1453, 1454), which must be justified by "a reasonable suspicion that the arrestee is concealing evidence underneath clothing" (*People v Hall*, 10 NY3d 303, 310-311, cert denied 555 US 938). We conclude that the officer did not have the requisite reasonable suspicion. Defendant was fully cooperative with the officer, admitting his possession of marihuana and denying possession of any other contraband. There was no indication that defendant might be concealing any contraband under his clothing, and the mere fact that he possessed marihuana does not justify a strip search. Although the People assert that the search was justified because defendant appeared to be nervous about being searched, the record reflects that defendant became nervous only after the officer began to perform the strip search (cf. *People v Walker*, 27 AD3d 899, 900-901, lv denied 7 NY3d 764). We therefore reverse the judgment, vacate the plea, grant that part of defendant's motion seeking to suppress the cocaine, dismiss the first and second counts of the indictment, and remit the matter to Supreme Court for further proceedings on the remaining counts.

Frances E. Cafarell

Entered: June 17, 2016

Clerk of the Court

""FOURTEENTH AMENDMENT CLAIMS DUE PROCESS CLAUSE""

The Due Process Clause of the Fourteenth Amendment says that the State cannot "deprive any person of life, liberty, and/or property without Due Process of Law; U.S. Const. Amend. XIV, §1. The 14th Amendment applies to State Government. The 5th Amendment contains an identical prohibition; "No Person Shall be....deprived of Life, Liberty, or Property, without Due Process of Law", U.S. Const. Amend. V. in Challenges Under §1, 14th and 5th Amendment Rights. In that Courts have said that this Creates Two Separate Types of Protections, as to "Substantive and Procedural Due Process", thereto.

""RELIEF SOUGHT""


Petitioner, ask that he be Compensated for every day, months and years he spent in Prison on this Conviction in question. Further, that for every cause to me and family of hardship, mental anguish, stress, as well Pain and Suffering I request that I be granted Money Damages, Compensatory Damages for Actual Damages Caused, in each and their own Capacity as the Court may Deem and Proper in the fairness of Justice.....For the Amount of \$5,000,000,000 Million Dollars.

""JURY TRIAL IS HEREBY BEING REQUESTED""

-----

I declare under penalty of perjury that the foregoing is true and thereto correct.

Executed on January 15th, 2018

X   
Mr. Tynell L. Tisdale, #17-B-2952  
Cayuga Correctional Facility  
P.O. Box 1186  
Moravia, New York, 13118

18 CV 6119 EAW

JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
Tynell L. Tisdale #17-B-2952

**DEFENDANTS**  
Ryan Hartley et al.

FEB - 6 2018

**(b) County of Residence of First Listed Plaintiff** Cayuga  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Monroe  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
pro se

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 42 USC 1983  
 Brief description of cause:  
 Prisoner Civil Rights Violation

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.  
 DEMAND \$ 5,000,000.00  
 CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_